

REMARKS

By this Amendment, claims 1-3 are amended, and claims 4-5 are canceled. Accordingly, claims 1-3 and 6-10 are pending in this application of which claims 6-10 are withdrawn.

The rejection of claims 1-3 under 35 U.S.C. §103(a) over U.S. Patent Application Publication No. 2004/0022408 to Mango et al. ("Mango") in view of U.S. Patent No. 5,137,674 to Braconier is respectfully traversed.

First, the combined disclosures of Mango and Braconier do not teach or suggest all of Applicant's claim limitations.

Second, the disclosures of Mango and Braconier, taken as a whole, do not suggest Applicant's claimed injection method.

Third, the grounds of rejection constitute an improper reconstruction of Applicant's claimed invention.

Independent claim 1, recites, *inter alia*, "forming a spring array within an external structure such that the spring array is integrally formed with the external structure, the spring array comprising a plurality of springs, and wherein a connecting portion comprising a V-shaped notch connects each of the plurality of springs to the external structure." Neither Mango nor Braconier discloses, teaches, nor suggests a method of forming the spring array, as recited in claim 1.

At page 2, paragraph 3 of the Office Action the Examiner asserts that Mango discloses a process for forming an electro-dynamic loudspeaker including a single spring insert into an injection molding mold [0010]. Applicant respectfully submits that although Mango appears to disclose at paragraph [0010] that "mold tooling can be designed with spring loaded inserts to provide very precise control of the separation distance between the top of the imbedded magnets and the film conductor," nowhere does Mango disclose or suggest forming an injection molded case that includes a spring, as recited in claim 1. In paragraph [0124], Mango only appears to disclose inserting a diaphragm 3425 into injection mold 3400. Applicant respectfully submits that the spring inserts disclosed by Mango are only part of the tooling process and are not part of the finished

product.

Based upon the above disclosure of the applied art, Applicant respectfully submit that Mango only discloses a method of assembling a loudspeaker comprising inserting a diaphragm having a conductor within an open cavity of an injection mold and molding a casement to a perimeter portion of the diaphragm and fails to provide evidence, disclosure or motivation, implicit or explicit, to suggest forming a case comprising a spring, as recited in claim 1.

In the rejection of independent claim 1 under 35 U.S.C. §103(a) as being unpatentable over Mango and Braconier, the Office Action asserts that Braconier makes up for the deficiencies of Mango. Notwithstanding any disclosure of Braconier regarding forming multiple gaskets and interlocking support points, Applicant respectfully submits that Braconier fails to cure the deficiencies of Mango regarding forming a spring array and molding a spring within the case, as recited in claim 1.

Furthermore, notwithstanding the lack of explicit or implicit disclosure of all claimed elements in the combined disclosure of Mango and Braconier, Applicant respectfully submits that the combination or modification of references can not render the resultant combination obvious unless the prior art also suggest the desirability of the combination. Applicant respectfully submits that the combination of Mango and Braconier is improper, and appears to be based on hindsight reasoning.

Mango discloses a method of assembling a loudspeaker comprising inserting a diaphragm within an open cavity of an injection mold Braconier discloses forming multi-part gaskets. Applicant respectfully submits that neither Mango nor Braconier suggest the desirability of combining such teachings. It is improper to use the claimed invention as an instruction manual to piece together the teachings of the prior art so that the claimed invention is rendered obvious. The Office Action appears to use improper hindsight reconstruction to pick and choose among isolated disclosures.

Accordingly, it is respectfully submitted that the combination is improper and that claim 1 is patentable not only due to the failure of Mango in view of Braconier to disclose, teach or motivate all recited features of the claims, but is also patentable based upon the improper combination of the


applied art. Claims 2-3 depend from independent claim 1 and are likewise patentable over the applied art for at least their dependence on claim 1 an allowable base claim, as well as for the additional features they recite. Accordingly, withdrawal of this rejection is respectfully requested.

All objections and rejections have been addressed. In view of the foregoing, Applicant respectfully submits that the application is in condition for allowance and favorable reconsideration and prompt allowance of claim 1-3 is earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

LOWE HAUPTMAN & BERNER, LLP


Benjamin J. Hauptman
Registration No. 29,310

1700 Diagonal Road, Suite 300
Alexandria, Virginia 22314
(703) 684-1111
(703) 518-5499 Facsimile
Date: April 5, 2007
BJH/ERM/ayw